



PATENT

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

DATE: OCT 13, 2005

NAME: T. Mc Cafferty

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Birli et al
Serial No:	10/823,961
Filing Date:	April 14, 2004
Title:	THREADED ROD HANGER
Group Art Unit:	3632
Examiner:	Wujciak, A.J.
Applicant File No:	ERIC.P0347US

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

DECLARATION

Now comes the undersigned, Mary Ellen Birli and states as follows:

I am the inventor in the above application and am familiar with the invention, the application, and the claims.

The invention has become of commercial importance to my Employer, ERICO International Corporation (ERICO), the Assignee of the invention and above application.

The commercial form of the present invention, in addition and after achieving its commercial importance, has recently been slavishly copied by a manufacture in China and imported to this country.

Attached hereto as **Exhibits A, B, C and D** are digital photographs of ERICO's commercial product.

Also, attached hereto as **Exhibits E, F, G and H** are digital photographs of the product which is a copy of ERICO's commercial product depicted in photographs **Exhibits A, B, C and D**.

I have been advised that the product depicted in photograph **Exhibits E, F, G and H** has been manufactured in China and sold to one or more distributors in this country.

As can be seen, both products includes a sheet metal housing having side walls which are notched to form a jaw opening with a clamping screw and thread form opening positioned above the jaw opening so that a structural flange or the like may be positioned in the jaw opening and clamped against the bottom of the jaw opening by tightening the clamp screw.

The sheet metal housing behind the jaw opening includes side walls of substantial depth and the two side walls are joined by a back or end wall. The top and bottom of the housing behind the jaw opening includes openings to accommodate a threaded rod extending vertically beyond the structural flange adapted to be accommodated in the jaw opening.

As can be seen both the ERICO rod hanger and the Chinese copy have parallel vertical slots in the opposite side walls behind the jaw opening symmetrically positioned with respect to and parallel with the axis of the rod accommodating holes, and the housing of each is provided with clip guide and clip back-up arms formed as projections across the interior of the housing and struck from the back of the housing, respectively.

The product depicted in **Exhibits E, F, G and H** appears to me to be a slavish copy of the product depicted in **Exhibits A, B, C and D**.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements made jeopardize the validity of any application or proceeding.

Mary Ellen Birli.
Mary Ellen Birli, Inventor

10/10/2005
Date